

PATENT  
ATTORNEY DOCKET NO. 00537-168002 - 018B

## CERTIFICATE OF TRANSMISSION

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Dawn M. Janelle

Printed name of person mailing correspondence

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Applicant: DRIEU, Katy

Art Unit: 1614

Serial No.: 09/879,306

Examiner: JARVIS, William R. A.

Filed: June 12, 2001

MAR 18 2004

Title: GINKGOLIDES FOR INHIBITION OF MEMBRANE EXPRESSION OF BENZODIAZEPINE RECEPTORS

Mail Stop Petition  
Office of Petitions  
Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

FACSIMILE TRANSMISSION COVER SHEET AND FEE AUTHORIZATION

Transmitted herewith are the following:

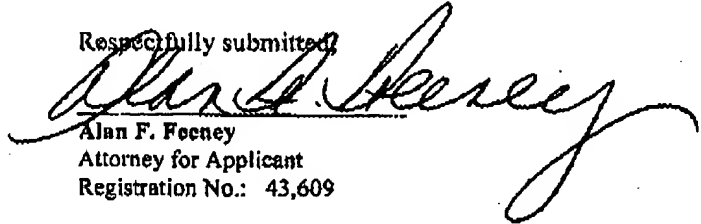
1. Amendment
2. Fee Transmittal for FY 2004 (Form PTO/SB/17; 1 page; 2 copies);
3. Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 C.F.R. § 1.137(b) (Form PTO/SB/64; 2 pages; 2 copies);
4. Notice of Improper Request for Continued Examination (RCE) (Form PTO-2051; mailed 02/25/2004);
5. Request for Continued Examination (RCE) Transmittal (Form PTO/SB/30; 1 page; 2 copies);
6. 1<sup>st</sup> Supplemental Information Disclosure Statement and Authorization to Charge Deposit Account with Certificate of Transmission printed thereon;
7. PTO Form 1449 Reproduced with a copy of each non-U.S. patent cited thereon;
8. Hungarian Search Report with a copy of 1<sup>st</sup> page of the published Hungarian application and Inpadoc Search Report; and
9. Request for Recognition of Representation under 37 C.F.R. §1.34 with "Certificate of Transmission" (1 page).

PATENT  
ATTORNEY DOCKET NO. 00537-168002 - 018D

No fee is believed to be due for this submission beyond that provided for in respect of the Petition for Revival and the Request for Continued Examination, however, Applicant hereby authorizes the Commissioner for Patents to charge any fees that may be deemed to be due or to credit any overpayment to Deposit Account No. 50-0590. A duplicate copy of this letter is enclosed.

Date: 3-18-2004

Respectfully submitted,

  
Alan F. Feeney  
Attorney for Applicant  
Registration No.: 43,609

Biomeasure, Incorporated  
27 Maple Street  
Milford, MA 01757-3650  
Telephone (508) 478-0144, Facsimile (508) 473-3531

PTO/SB/17 (10-03)

Approved for use through 07/31/2006. OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**FEE TRANSMITTAL**  
**for FY 2004**

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$) 2100**Complete if Known**

Application Number	09/879,306
Filing Date	08/12/2001
First Named Inventor	DRIEU, Katy
Examiner Name	JARVIS, William R.A.
Art Unit	1614
Attorney Docket No.	00537-168002 (018B)

**METHOD OF PAYMENT (check all that apply)**☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit Account Number  
50-0590Deposit Account Name  
Biomeasure, Inc.

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 180	2005 80	Provisional filing fee	
<b>SUBTOTAL (1)</b>			<b>(\$)</b>

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	-20** =	X	
Multiple Dependent	-3** =	X	

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1202 18	2202 9	Claims in excess of 20	
1201 88	2201 43	Independent claims in excess of 3	
1203 280	2203 145	Multiple dependent claim, if not paid	
1204 88	2204 43	** Release independent claims over original patent	
1205 18	2205 9	** Release claims in excess of 20 and over original patent	
<b>SUBTOTAL (2)</b>			<b>(\$)</b>

\*\*or number previously paid, if greater. For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1081 130	2061 65	Surcharge - late filing fee or oath	
1082 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1083 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1806 1,840*	1806 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1256 2,010	2255 1,005	Extension for reply within fifth month	
1401 380	2401 185	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 280	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	1330
1601 1,330	2501 665	Utility issue fee (or reissue)	
1602 480	2502 240	Design issue fee	
1603 640	2503 320	Plant issue fee	
1480 130	1480 130	Petitions to the Commissioner	
1807 60	1807 60	Processing fee under 37 CFR 1.17(q)	
1808 180	1808 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	770
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3)** (\$) 2100**SUBMITTED BY**

Name (Print/Type) Alan F. Herney

Registration No. 49,609

(Complete if applicable)

Telephone 508-478-0144

Signature

Date

3/18/2004

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
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DATE MAILED:

**NOTICE OF IMPROPER REQUEST FOR CONTINUED EXAMINATION (RCE)**

The request for continued examination (RCE) under 37 CFR 1.114 filed on 3/17/08 is improper for reason(s) indicated below:

- ☐ 1. Continued examination under 37 CFR 1.114 does not apply to an application for a design patent. Applicant may wish to consider filing a continuing application under 37 CFR 1.53(b) or a CPA under 37 CFR 1.53(d). An RCE cannot be treated as a CPA.
- ☐ 2. Continued examination under 37 CFR 1.114 does not apply to an application that was filed before June 8, 1995. Applicant may wish to consider filing a continuing application under 37 CFR 1.53(b).
- ☐ 3. Continued examination under 37 CFR 1.114 does not apply to an application unless prosecution in the application is closed. If the RCE was accompanied by a reply to a non-final Office action, the reply will be entered and considered under 37 CFR 1.111. If the RCE was not accompanied by a reply, the time period set forth in the last Office action continues to run from the mailing date of that action.
- ☐ 4. The request was not filed before payment of the issue fee, and no petition under 37 CFR 1.313 was granted. If this application has not yet issued as a patent, applicant may wish to consider filing either a petition under 37 CFR 1.313 to withdraw this application from issue, or a continuing application under 37 CFR 1.53(b).
- ☐ 5. The request was not filed before abandonment of the application. The application was abandoned, or proceedings terminated on \_\_\_\_\_. Applicant may wish to consider filing a petition under 37 CFR 1.137 to revive this abandoned application.
- ☐ 6. The request was not accompanied by the fee set forth in 37 CFR 1.17(e) as required by 37 CFR 1.114. Since the application is not under appeal, the time period set forth in the final Office action or notice of allowance continues to run from the mailing date of that action or notice.
- ☒ 7. The request was not accompanied by a submission as required by 37 CFR 1.114. Since the application is not under appeal, the time period set forth in the final Office action or notice of allowance continues to run from the mailing date of that action or notice.

**Note:** A continued prosecution application (CPA) under 37 CFR 1.53(d) cannot be filed in a utility or plant application. A CPA filed in a utility or plant application that has a filing date on or after June 8, 1995 will be treated as an RCE under 37 CFR 1.114. The request for a CPA in the instant application, however, has been treated as an improper RCE for the reason(s) indicated above.

**A copy of this notice MUST be returned with any reply.**

Direct the reply and any questions concerning this notice to:

Rozana Harmon Technology Center 1694  
571-272-5509  
2003-06

FORM PTO-2051 (Rev. 7/2003)

PATENT  
ATTORNEY DOCKET NO. 00337-168002 - 018B

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3/18/2004

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Dawn M. Janelle

Printed name of person mailing correspondence

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	DRIBU, Katy	Art Unit:	1614
Serial No.:	09/879,306	Examiner:	JARVIS, William R. A.
Filed:	June 12, 2001		
Title:	GINKGOLIDES FOR INHIBITION OF MEMBRANE EXPRESSION OF BBNZODIAZEPINE RECEPTORS		

Mail Stop: Non-Fee Amendment  
Commissioner of Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

REQUEST FOR RECOGNITION FOR REPRESENTATION (37 CFR §1.34)

Please recognize:

Name of Agent: Roxanne J. Holmes  
Address: Biomeasure, Incorporated, 27 Maple St., Milford, MA 01757-3650  
Reg. No.: 53,031  
Tel. No.: 508-478-0144

as an agent authorized to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

Please send all future correspondence to:

Alan F. Feeney  
Biomeasure Incorporated  
27 Maple Street  
Milford, MA 01757-3650

Date:

3-18-2004

Respectfully submitted,

Alan F. FeeneyAlan F. Feeney  
Attorney for Applicants  
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